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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,059	06/28/2001	William Lawrence Morrison		4209

7590 03/19/2003

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EXAMINER

ROBINSON, MARK A

ART UNIT	PAPER NUMBER
	2872

DATE MAILED: 03/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/893,059	MORRISON, WILLIAM LAWRENCE
	Examiner	Art Unit
	Mark A. Robinson	2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 October 2002.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 7-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 7-9 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

- 4) Interview Summary (PTO-413) Paper No(s) _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/25/02 has been entered.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 7-9 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 7 attempts to include "a physical region" behind and/or beside the claimed passenger vehicle. However, this region is a naturally occurring space and is thus does not fall into a category of statutory subject matter. The claimed region of space was not invented or manufactured by applicant and

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accordingly this region does not satisfy the criteria listed in the statute. See Manual of Patent Examining Procedure (MPEP) 2105 and 2107 for further guidance on this topic.

Claim Rejections - 35 USC § 112

3. Claims 7-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 7 the "physical region" is not a definite item or element. This region may change depending upon the location and/or orientation of the claimed vehicle. Thus, the metes and bounds of the claims are unascertainable.

Inasmuch as the metes and bounds of the claims are able to be determined in light of the above rejections, the following rejection(s) based upon prior art apply:

Claim Rejections - 35 USC § 102

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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5. Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by Jackson made of record.

Jackson shows a mirror system including a vehicle, a rear-view mirror(13) and a back-up mirror(14) which may be positioned inside the passenger compartment (as taught on page 2 lines 31-34--note that when positioned in this manner the back-up mirror would be located even with or aft of the rear seatback). The back-up mirror is oriented generally horizontally and facing a side of the vehicle. Further, Jackson's mirror arrangement enables the driver of the vehicle to perform the claimed function, i.e. to see and be apprised of objects located to the side and rear (or side rear) of the vehicle.

Claim Rejections - 35 USC § 103

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson made of record.

Regarding the method of claim 8, as noted in the previous office action, the driver of a vehicle using Jackson's mirror arrangement would likely routinely see an image in the back-up mirror when looking to the rear of the vehicle. However, inasmuch as Jackson does not specifically teach the driver

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turning his head and looking into the back-up mirror, this action would have been obvious to the ordinarily skilled artisan at the time of invention in order to be apprised of the locations of objects found in the back-up mirror's viewing area.

Regarding claim 9, as noted in the previous office action, although not taught by Jackson, locating the back-up mirror on the side of the passenger compartment, such as on the side pillar between the rear and side windows, would have been obvious at the time of invention so that the view out the rear window would be unobstructed by the back-up mirror.

8. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yu made of record.

Regarding claims 7 and 9, Yu shows in fig. 4 a mirror system including a vehicle, a rear-view mirror (inherent in passenger cars) and a back-up mirror(5) positioned inside the passenger compartment. The back-up mirror is oriented generally horizontally and facing a side of the vehicle. Further, Yu's mirror arrangement enables the driver of the vehicle to perform the claimed function, i.e. to see and be apprised of objects located to the side and rear (or side rear) of the vehicle. Yu does not show the mirror to be located even with or aft of the rear seatback. However, location of the mirror(5) on the side

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pillar between the rear and side windows would have been obvious to the ordinarily skilled artisan at the time of invention in order to provide a passenger with an unobstructed view out this side window. Note that when so positioned, the back-up mirror would be about even with the rear seatback.

Regarding the method of claim 8, as noted in the previous office action, the driver of a vehicle using Yu's mirror arrangement would likely routinely see an image in the back-up mirror when looking to the rear of the vehicle. However, inasmuch as Yu does not specifically teach the driver turning his head and looking into the back-up mirror, this action would have been obvious to the ordinarily skilled artisan at the time of invention in order to be apprised of the locations of objects found in the back-up mirror's viewing area.

9. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rubin made of record.

Regarding claims 7 and 9, Rubin shows in fig. 9 a mirror system including a vehicle, a rear-view mirror (15) and a back-up mirror(122) positioned inside the passenger compartment. The back-up mirror is oriented generally horizontally and facing a side of the vehicle. Further, Rubin's mirror arrangement enables the driver of the vehicle to perform the claimed

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function, i.e. to see and be apprised of objects located to the side and rear (or side rear) of the vehicle. Rubin does not show the mirror to be located even with or aft of the rear seatback. However, location of the mirror(5) on the side pillar between the rear and side windows would have been obvious to the ordinarily skilled artisan at the time of invention in order to provide a passenger with an unobstructed view out this side window. Note that when so positioned, the back-up mirror would be even with or just aft of the rear seatback.

Regarding the method of claim 8, as noted in the previous office action, the driver of a vehicle using Rubin's mirror arrangement would likely routinely see an image in the back-up mirror when looking to the rear of the vehicle. However, inasmuch as Rubin does not specifically teach the driver turning his head and looking into the back-up mirror, this action would have been obvious to the ordinarily skilled artisan at the time of invention in order to be apprised of the locations of objects found in the back-up mirror's viewing area.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Robinson whose telephone number is (703) 305-3506.

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For questions regarding patent prosecution or proceeding,
the Patent Assistance Center may be reached at 1-800-786-9199.

If attempts to reach the examiner by telephone are
unsuccessful, the examiner's supervisor, Cassandra Spyrou can
be reached at (703) 308-1687. The fax phone number for the
organization where this application or proceeding is assigned is
(703) 308-7722.

Any inquiry of a general nature or relating to the status
of this application or proceeding should be directed to the
receptionist whose telephone number is (703) 308-0956.

MR

3/14/03


MARK A. ROBINSON
PRIMARY EXAMINER